

REMARKS

Claims 1-23 are pending in this application. Claim 1 and 9 have been rejected under 35 U.S.C. § 102. Claim 2-8 and 1--23 have been rejected under 35 U.S.C. § 103. Claims 1, 9 and 17 have been amended. No new matter has been added. Reexamination and reconsideration are respectfully requested.

Rejection under 35 U.S.C. § 102.

The Examiner has rejected claims 1 and 9 under 35 U.S.C. § 102(b) as being anticipated by Odlen et al., U.S. Patent No. 4,292,467. This rejection is respectfully traversed. However, applicant has amended claims 1 and 9 to further distinguish embodiments of applicant's invention over the referenced art. No new matter has been added.

Applicant's amended claim 1 recites a sound volume adjustment system for a personal computer comprising, *inter alia*, a memory resident on the personal computer for storing sound volume setting information for a plurality of software applications, an operating system resident on the personal computer, and a sound volume adjustment control means resident on the personal computer for adjusting sound volume data for each of the plurality of applications stored in the memory. Claim 9 recites similar limitations. These limitations are not disclosed or suggested in Odlen. Odlen is directed toward audio receiver control. In Odlen, the functions of an audio receiver, for example, volume, tuning and tone, are controlled electronically using memory registers. Thus, mechanical parts are substantially eliminated. Odlen, however, is implemented on a stand-alone audio receiver. There is no personal computer that is part of the Odlen system and there is no operating system in the Odlen system. Moreover, there are no software applications associated with Odlen that require volume adjustment. Odlen is simply replacing mechanical functions with electrical functions. This is different than embodiments of the invention claimed by applicant.

Accordingly, there are limitations recited in Claims 1 and 9 that are not disclosed or suggested in Odlen. Thus, Claims 1 and 9 cannot be anticipated by Odlen. Likewise, claims 2-8, which depend either directly or indirectly from claim 1, and claims 10-16 which depend either directly or indirectly from claim 9, also cannot be anticipated by Odlen.

Rejection under 35 U.S.C. § 103.

The Examiner has rejected claims 2-8 and 10-23 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of applicant's admitted prior art, Odlen et al., U.S. Patent No. 4,292,467, and Hetherington, U.S. Patent No. 5,289,546. These rejections are respectfully traversed. However, as stated above, applicant has amended claims 1 and 9, as well as claim 17, to further distinguish embodiments of applicant's invention over the referenced art. No new matter has been added.

As stated above, applicant's amended claim 1 recites a sound volume adjustment system for a personal computer comprising, *inter alia*, a memory for storing sound volume setting information for a plurality of software applications, an operating system resident on the personal computer, and a sound volume adjustment control means for adjusting sound volume data for each of the plurality of applications stored in the memory. These limitations are not disclosed or suggested, individually or in combination, in applicant's admitted prior art, Odlen or Hetherington. Odlen is directed toward audio receiver control. In Odlen, the functions of an audio receiver, for example, volume, tuning and tone, are controlled electronically using memory registers. Thus, mechanical parts are substantially eliminated. Odlen, however, is implemented on a stand-alone audio receiver. There is no personal computer and there is no operating system in the Odlen system. Moreover, there are no software applications associated with Odlen that require volume adjustment. Odlen is simply replacing mechanical functions with electrical functions. This is different than embodiments of the invention claimed by applicant.

Hetherington is directed toward an apparatus and method for smooth audio scaling. In Hetherington, the volume control algorithm in association with a computer system increases or decreases the perceived volume of a computer's audio output over time. Hetherington merely describes an algorithm for adjusting a computer's audio output. There is no mechanism in Hetherington for storing volume setting information for a plurality of software applications in adjusting sound volume data for any one of the plurality of software applications based on the stored information as claimed by applicant and transferring the data to an operating system on a personal computer..

Claims 9 and 17 recite limitations similar to those recited in claim 1.

Accordingly, there are limitations recited in claim 1, 9 and 17 not found in applicant's admitted prior art, Odlen or Hetherington, individually or in combination. Thus, a *prima facie* case of obviousness has not been established for these claims. Likewise, claims 2-8, which depend either directly or indirectly from claim 1, claims 10-16 which depend either directly or indirectly from claim 9, and claims 18-23, which depend either directly or indirectly from claim 17, are also not obvious over applicant's admitted prior art, Odlen or Hetherington.

Acknowledgement of Priority

Applicant respectfully requests that the Examiner acknowledge that all of the certified copies of the priority documents have been received.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5407

Facsimile: (202) 672-5399

By

Irvin C. Harrington, III
Attorney for Applicant
Registration No. 44,740